

ORDINANCE NO. 09-53

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA REPEALING AND RESCINDING CHAPTER 38 ENTITLED "FIRE PREVENTION AND PROTECTION", ARTICLE VI. MOTOR VEHICLE ACCIDENT AND FIRE INCIDENT/FIRE RESPONSE FEE, OF THE CODE OF ORDINANCE OF THE CITY OF HIALEAH, FLORIDA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Senate Bill 2282, the Florida Legislature, effective July 1, 2009, enacted section 166.0446, Florida Statutes, prohibiting cities from charging accident response fees for the provision of law enforcement, fire, or other emergency responders, with the exception of charging or seeking reimbursement for costs to contain or clean up hazardous materials or for costs providing transport (ambulance) services and treatment; and

WHEREAS, the purpose and intent of this ordinance is to repeal the provisions in the Hialeah Code that allowed the City of Hialeah to collect motor vehicle accident and fire incident or fire response fees, in order to comply with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 38 entitled "Fire Prevention and Protection", Article VI. Motor Vehicle Accident and Fire Incident/Fire Response Fee, including all sections therein, to wit: Hialeah Code §§ 38-160 through 38-164, of the Code of Ordinances of the City of Hialeah, Florida is hereby repealed and rescinded in its entirety.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 25th day of August, 2009.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



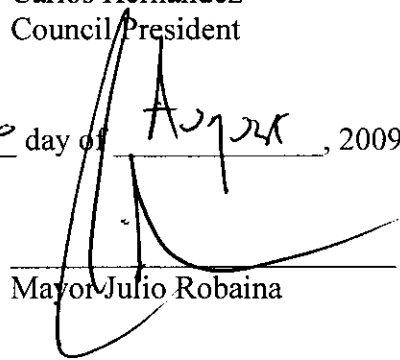
Carlos Hernandez
Council President

Attest:

Approved on this 26 day of August, 2009.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".